

Excerpts
Planning Commission Minutes
October 13, 2004

Application No. UP-649-04, Gary D. Staples: Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize a 704-square foot accessory apartment on the second floor of a proposed detached garage on a 1.016-acre parcel located at 109 Link Road (Route 620) and further identified as Assessor's Parcel No. 30-1-7. The property is zoned RR (Rural Residential) and is designated for Low Density Residential development in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented a summary of the staff report to the Commission dated September 30, 2004, in which the staff recommended approval. Subsequent to the preparation of the report, he received comments from Fire Chief Steve Kopzcynski, who expressed concerns about the lack of access for emergency vehicles at the subject location. Mr. Anderson noted there are many homes in the County with similar long, narrow, driveways. In those cases the Department of Fire and Life Safety contacts the property owners requesting action to help promote access by clearing limbs and expanding driveways.

Mr. Ptasznik inquired about the driveway encroaching on the setback for the driveway. Mr. Carter observed the Zoning Ordinance stipulates no setback for a residential driveway.

Chair Simasek opened the public hearing.

Mr. Gary Staples, 109 Link Road, was present to answer questions about his application.

Mr. Barba appreciated the applicant submitting the application before the fact, and added that he could support approval.

Mr. Ptasznik agreed.

Mr. Simasek requested more information about the inaccessibility the driveway allows for County emergency equipment.

Mr. Anderson pointed out that ideally, the Department of FLS would prefer to have vehicle access to the driveway itself. However, a fire hose could be connected to a hydrant and serve the property but that could delay getting to the fire.

Mr. Ptasznik moved the adoption of proposed Resolution PC04-28.

PC04-28

On motion of Mr. Ptasznik, which carried 5:0 (Messrs. Davis and Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 109 LINK
ROAD

WHEREAS, Gary D. Staples has submitted Application No. UP-649-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of October, 2004, that Application No. UP-649-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on property located at 109 Link Road and identified as Assessor's Parcel No. 30-1-7, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of a proposed two-story detached garage on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7.
2. The apartment shall be contained within the existing structure located at the northwest corner of the subject property as indicated on the plat submitted by the applicant titled "Site Plan of Parcel 7, Subdivision of Property of Suzanne Y. Montague for Gary Staples and Glenda Staples," dated November 6, 2002, prepared by The Sirine Group, Ltd. and received by the Planning Division on September 1, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 1, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 704 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.

6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
